REMARKS

I. Status Summary

Claims 1-8 are pending in the present application and claims 1-8 have been rejected. Claim 1 has been amended. Therefore, upon entry of this Amendment, claims 1-8 will remain pending. No new matter has been introduced by the present amendment. Reconsideration of the application as amended and based on the arguments set forth hereinbelow is respectfully requested.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. 0740451 A1 to Mestdagh et al. (hereinafter, "Mestdagh") in view of European Patent Application No. 0844795 A2 to Proctor (hereinafter, "Proctor"). These rejections are respectfully traversed.

Claim 1 of the present subject matter recites a method for joint transmission of ISDN and ADSL data between a first station and a second station via a transmission line. The method recites modulation of an ISDN data stream by means of an ADSL modulator to form an ADSL data stream in the first station for transmission as a mixed data stream in the current upstream direction to the second station, with the ISDN data stream in the mixed data stream in the current upstream direction being modulated onto carrier frequencies, which are reserved for this purpose, in a first frequency band, and the ADSL data stream in the mixed data stream in the current upstream direction being modulated above the first frequency band. Further, the method recites demodulation of the mixed data stream in the second station by

means of an ADSL demodulator to form a corresponding transmitted ADSL data stream and a corresponding transmitted ISDN data stream. The method additionally recites modulation of an ISDN data stream by means of an ADSL modulator to form an ADSL data stream in the second station for transmission as a mixed data stream in the current downstream direction to the first station, with the ADSL data stream in the mixed data stream in the current downstream direction being modulated in a second frequency band above the first frequency band. The method further recites demodulation of the mixed data stream in the first station by means of an ADSL demodulator to form a corresponding transmitted ADSL data stream and a corresponding transmitted ISDN data stream. Finally, claim 1 has been amended herein to recite selectively activating or deactivating the carriers in the first frequency band for providing a hot-start capability of the ISDN-transmission. Support for this amendment can be found throughout the application as filed, particularly at page 6, lines 11-13.

Mestdagh is directed to multiplexing an analog message telephone service (MTS) signal TS and an asymmetric digital subscriber line (ADSL) datastream AD so that they are transmitted simultaneously on a twisted pair transmission line TL. In the first step, the analog MTS signal TS is transformed into a digital form DS, TSC. The digital MTS signal DS, TSC in a second step is embedded in the ADSL datastream AD. At the receiver side, the digital MTS signal DS, TSC and ADSL datastream AD are split up again, and the digital MTS signal DS, TSC is retransformed into the analog MTS signal TS.

There is no teaching or suggestion in Mestdagh of the claimed subject matter as amended. Particularly, Mestdagh discloses the embedding of a digital MTS signal in the ADSL datastream by modulating the digital MTS signal on a subset of carriers which form part of a set of carriers whereon the transmit signal is modulated. There is no teaching or suggestion in Mestdagh of selectively activating or deactivating carriers in a first frequency band for providing hot-start capability of an ISDN-transmission as presently recited in claim 1.

Proctor fails to overcome the shortcomings of Mestdagh. Proctor is directed to telecommunications access systems and equipment. More particularly, Proctor discloses a method of delivering a higher data rate signal representing first services and a lower data rate signal representing second services along the same link. The method includes receiving the separate signals from a communications network and transmitting along the link the higher data rate signal in fixed size data packets within frames. The lower data rate signals are accommodated in time slots in the frames not occupied by the fixed size data packets.

While the Examiner contends that Proctor teaches modulating IDSN data in VDSL format using discrete multi-tone, there is no teaching or suggestion in Proctor, even if combined with the teachings of Mestdagh, of the claimed subject matter as amended. In particular, there is no teaching or suggestion in Mestdagh and Proctor, either alone or in combination, of selectively activating or deactivating carriers in a first frequency band for providing hot-start capability of an ISDN-transmission as presently recited in claim 1.

For the above reasons, applicants respectfully submit that Mestdagh and Proctor, either alone or in combination, do not teach or suggest all of the steps recited by claim 1, and therefore that claim 1 and dependent claims 2-8 are not obvious in view of the cited references. Applicants, therefore, respectfully request that the rejection of claims 1-8 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed at this time.

CONCLUSION

In light of the above Amendments and Remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Amendments and Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

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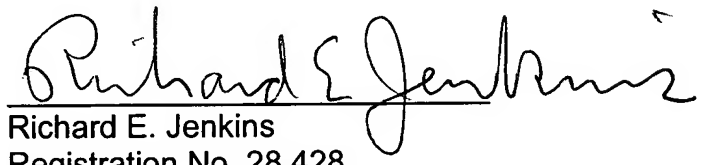
Date: October 6, 2005

By: 

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